

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jesus ESCALERA-Zuniga,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

FILED
08 APR 17 AM 11:21


08 MJ 1184 COURT
DISTRICT OF CALIFORNIA

DEPUTY

The undersigned complainant, being duly sworn, states:

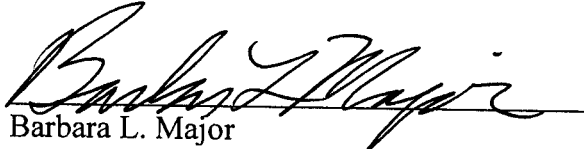
On or about **April 15, 2008** within the Southern District of California, defendant, **Jesus ESCALERA-Zuniga**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 17th DAY OF APRIL, 2008



Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jesus ESCALERA-Zuniga

PROBABLE CAUSE STATEMENT

On April 15, 2008, Border Patrol Agent R. Brudnok responded to a seismic sensor in the area known as Copper Canyon. This area is approximately five miles east of the Otay Mesa, California Port of Entry. Agent Brudnok found four individuals hiding in some brush approximately 200 yards north of the United States/Mexico International Boundary. Agent Brudnok identified herself as a Border Patrol Agent and conducted an immigration inspection on each subject. Each of the subjects, including one later identified as the defendant **Jesus ESCALERA-Zuniga** admitted to being citizens and nationals of Mexico without having any immigration documents that would allow them to be or remain in the United States legally. At approximately 6:00 p.m., all subjects were arrested and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **November 20, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.